

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Nathaniel Simmons #318822

*(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

-against-

Charles Williams, et al. See attached

*(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)*

**Complaint for Violation of Civil Rights**

(Prisoner Complaint)

Case No. \_\_\_\_\_  
(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No  
(check one)

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**NOTICE**

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

When submitted for filing, your complaint should be accompanied by the full filing fee or an application to proceed *in forma pauperis*.

Thomas Robertson ;  
Alyson Gladwell ;  
Stephanie Marshall ;  
Stanley Terry ;  
Clarissa Jones ;  
Juanita Moss ;  
Bell ;  
Myers ;  
Beard ;  
Willie F. Smith ;  
Sherman L. Anderson ;  
Jennifer Franklin ;  
Shakira Williams ;  
Michelle Chambers ;  
Tim E. Rogers ;  
Deborah Richter ;  
Victoria Norman ;  
Ashley Maddox ;  
Cynthia Darden ;  
Kennard Dubose ; and  
Bryan P. Stirlings,  
Defendants.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Nathaniel Simmons

All other names by which you have been known:

ID Number

318822

Current Institution

Kershaw Correctional Inst.

Address

4848 Goldmine Highway  
Kershaw, South Carolina 29067**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Charles WilliamsJob or Title  
(if known)Warden

Shield Number

Employer

S.C. Dept of Corrections

Address

4444 Broad River RoadColumbia, S.C. 29221

Individual capacity



Official capacity

Defendant No. 2

Name

Thomas Robertson

Job or Title Associate Warden  
 (if known)  
 Shield Number \_\_\_\_\_  
 Employer S.c. Dept of Corrections  
 Address 4444 Broad River Road  
Columbia, S.c. 29221

☒ Individual capacity ☒ Official capacity

## Defendant No. 3

Name Alyson Gladwell  
 Job or Title Associate Warden  
 (if known)  
 Shield Number \_\_\_\_\_  
 Employer S.c. Dept of Corrections  
 Address 4444 Broad River Road  
Columbia, S.c. 29221

☒ Individual capacity ☒ Official capacity

## Defendant No. 4

Name Stephanie Marshall  
 Job or Title Major  
 (if known)  
 Shield Number \_\_\_\_\_  
 Employer S.c. Dept of Corrections  
 Address 4444 Broad River Road  
Columbia, S.c. 29221

☒ Individual capacity ☒ Official capacity

**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

Defendant No. 5

Stanley Terry

Administrative Captain

S.c. Dep. of Corrections

4444 Broad River Rd.

Columbia, S.c. 29221

Individual and official Capacity

Defendant No. 6

Clarissa Jones

Lieutenant

S.c. Dept. of Corrections

4444 Broad River Rd.

Columbia, S.c. 29221

Individual and official Capacity

Defendant No. 7

Juanita Moss

Food Service Director

S.c. Dept. of Corrections

4444 Broad River Rd.

Columbia, S.c. 29221

Individual and official Capacity

Defendant No. 8

Bell

Food Service Supervisor

3(a)

S.c. Dept. of Corrections  
4444 Broad River Rd.  
Columbia, S.c. 29221

Individual and official Capacity

Defendant NO. 9

Myers  
Food Service Supervisor  
S.c. Dept. of Corrections  
4444 Broad River Rd.  
Columbia, S.c. 29221  
Individual and official Capacity

Defendant NO. 10

Beard  
Food Service Supervisor  
S.c. Dept of Corrections  
4444 Broad River Rd.  
Columbia, S.c. 29221  
Individual and official Capacity

Defendant NO. 11

Willie F. Smith  
Food Service Branch Chief  
S.c. Dept of Corrections  
4444 Broad River Rd.  
Columbia, S.c. 29221  
Individual and official Capacity

3(B)

Defendant No. 12

Sherman L. Anderson

Inmate Grievance Branch Chief

S.c. Dept. of Corrections

4444 Broad River Rd.

Columbia, S.c. 29221

Individual and official Capacity

Defendant No. 13

Jennifer Franklin

Inmate Grievance Coordinator

S.c. Dept. of Corrections

4444 Broad River Rd.

Columbia, S.c. 29221

Individual and official Capacity

Defendant No. 14

Shakira Williams

Inmate Grievance Coordinator

S.c. Dept. of Corrections.

4444 Broad River Rd.

Columbia, S.c. 29221

Individual and official Capacity

Defendant No. 15

Michelle Chamber

Inmate Records

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S.c. Dept. of Corrections

4444 Broad River Rd.

Columbia, S.c. 29221

Individual and official Capacity

Defendant NO.16

Tim E. Roger

Commissary Supervisor

S.c. Dept. of Corrections

4444 Broad River Rd.

Columbia, S.c. 29221

Individual and official Capacity

Defendant NO.17

Deborah Richter

Chief Nurse

S.c. Dept. of Corrections

4444 Broad River Rd.

Columbia, S.c. 29221

Individual and official Capacity

Defendant NO.18

Victoria Norman

Chief Nurse

S.c. Dept. of Corrections

3(d)



4444 Broad River Rd.

Columbia, S.c. 29221

Individual and official Capacity

Defendant NO. 19

Ashley Maddox

Mental Health Counselor

S.c. Dept. of Corrections

4444 Broad River Rd.

Columbia, S.c. 29221.

Individual and official Capacity

Defendant NO. 20

Cynthia Darden

Mental Health Counselor

S.c. Dept of Corrections

444 Broad River Rd.

Columbia, S.c 29221

Individual and Official Capacity

Defendant NO. 21

Kennard Dubose

Mental Health Director

S.c. Dept. of Corrections

4444 Broad River Rd.

Columbia, S.c 29221

Individual and official Capacity

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Defendant No. 22  
Bryan P. Stirling  
Director  
S.C. Dept. of Corrections  
4444 Broad River Rd.  
Columbia, S.C. 29221  
Individual and Official Capacity

3(f)

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A. Are you bringing suit against (*check all that apply*):

- ☐ Federal officials (a *Bivens* claim)  
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

8<sup>th</sup> Amendment (Cruel and unusual Punishment); and  
14<sup>th</sup> Amendment (due process violation); and 1<sup>st</sup>  
Amendment (free Speech and association)

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

See attached

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### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee  
☐ Civilly committed detainee  
☐ Immigration detainee

- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (*explain*) \_\_\_\_\_

#### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

See attached

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

- C. What date and approximate time did the events giving rise to your claim(s) occur?

- D. What are the facts underlying your claim(s)? (*For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

Statement of Claim

- 1.) Since approximately, August, 2017, through and Continuing through the present date, prison officials Warden Charles Williams, Associate Warden Thomas Robertson, Associate Warden Alyson Gladwell, Major Stephanie Marshall, Captain Stanley Terry, and Lieutenant Clarissa Jones have failed and/or refuse to all Plaintiff Nathaniel Simmons to participate in indoor and outdoor recreation and exercise.
- 2.) Since approximately, August, 2017, through and Continuing through, the present date, the above-named prison official have failed and/or refuse to allow plaintiff Nathaniel Simmons fresh air and direct Sunlight.
- 3.) Since approximately, August, 2017, through and Continuing through the present date, the above-named prison official have Permitted and allowed other inmates to participate in daily indoor and outdoor recreation and exercise.
- 4.) Since approximately, August, 2017, through and Continuing through the present date, the above-named prison officials have Permitted and allowed other inmates fresh air and direct Sunlight.

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5(a)

5.) Since approximately, August, 2017, through and continuing through the present date, prison official Lieutenant Clarissa Jones have permitted and allowed Plaintiff Nathaniel Simmons to live in a unhealthy and unsanitary dorm; L.T. Jones refuse to allow Mr. Simmons to routinely clean his cell with a Broom, mop, Bleach and Chemicals; refuse to allow the Showers to be routinely clean with bleach; allowed human feces and urine to remain on the dorm's walls, doors, ceiling, and floor; refuse to allow Mr. Simmons to take routine Showers; refuse to allow Mr. Simmons laundry to be routinely washed; and refuse to allow Mr. Simmons to receive routine haircuts and Shaves.

6.) Since approximately, August, 2017, through and continuing through the present date, Prison officials Food Service Director Juanita Moss, Food Supervisor Bell, Food Service Supervisor Myers, Food Service Supervisor Beard, and Food Service Branch Chief Willie F. Smith have served or caused to be served Staled, molded, Cold, inadequate portion size food, and food that had been contaminated by human feces and urine to Plaintiff Nathaniel Simmons.

7.) Since approximately, August, 2017, through and continuing through the present date, Prison officials Inmate Grievance Branch Chief Sherman L. Anderson,

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5(b)

SIMMONS-318822

Inmate Grievance Coordinator Jennifer Franklin, Inmate Grievance Coordinator Shakira Williams, And Inmate Records Officer Michelle Chambers have failed and /or refuse to report, Log in, file, investigate, and take corrective action on Plaintiff Nathaniel Simmons' Staff requests and grievances.

8.) Since approximately, August, 2017, through and continuing through the present date, Prison Official Commissary Supervisor Tim E. Rogers have failed and/or refuse to issue Plaintiff Nathaniel Simmons Socks, boxers, Towels, Wash rags, Jacket, toboggan Thermal Set, tennis shoes and razors.

9.) Since approximately, August, 2017, through and continuing through the present date, Prison Officials ~~Chief~~ Nurse Deborah Richter and Chief Nurse Victoria Norman have failed and/or refuse to allow Plaintiff Nathaniel Simmons to receive medical treatment.

10.) Since approximately, August, 2017, through and continuing through the present date, Prison Officials Mental Health Counslor Ashley Maddox, Mental Health Counslor Cynthia Darden, and Mental Health Director Kennard Dubose have failed and/or refuse to allow Plaintiff Nathaniel Simmons to receive mental Health treatment

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5(c)



11.) Since approximately, August 2017, through and Continuing through the present date, prison official Director Bryan P. Stirling were aware of a Pervasive, unreasonable risk of harm in connection to all the above-mentioned Claims and failed to take corrective action as a result of deliberate indifference or tacit authorization and therefore, Director Stirling is Liable for the acts of his Subordinates under the theory of respondent Superior.

12.) Since approximately, August 2017, through and Continuing through the present date, Prison official Director Bryan P. Stirling have implemented and enforced a Policy (i.e.) Inmate-to-inmate Correspondence that Violates Plaintiff Nathaniel Simmons' Constitutional right to free Speech and association; this policy Strickly Prohibits inmates from writing other inmates unless they're confirmed family members or involved in a Joint Legal action.

13.) All the above-named prison official were acting under color of State Law when they Violated Plaintiff Nathaniel Simmons' Constitutional rights.

14.) All the above-named Prison officials were deliberately indifferent to the Substantial risk of Serious harm to Plaintiff Nathaniel Simmons' mental and physical health

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5(d)



When they were aware or should have been aware of the risk of harm and failed to take corrective action.

15.) Plaintiff Nathaniel Simmons have endured and suffered extreme back, hip, joint pains, lack of exercise, fresh air, direct sunlight, denied or delayed medical treatment, infections, fungus, rashes, irritated skin, excessive itching, exposure to human feces and urine, black mold, chest pains, dizziness, stomach pains, indigestion, hunger, weight loss, cold weather, loss of sleep, and great mental anguish as a result of the acts and omissions of the prison officials mentioned above

5(e)

LEGAL

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**V. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

See attached

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**VI. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

A jury trial; Actual damages in the amount of \$300,000; Punitive damages in the amount of \$50,000; Preliminary and Permanent injunction; Costs in this Suit; and any additional relief the Court deems just and proper.

**VII. Exhaustion of Administrative Remedies Administrative Procedures**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes  
☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

McCormick Correctional Institution

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes  
☐ No  
☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes  
☐ No  
☐ Do not know

If yes, which claim(s)?

8<sup>th</sup> and 14<sup>th</sup> Amendment

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes  
☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

E. If you did file a grievance:

1. Where did you file the grievance?

McCormick Correctional Inst.

2. What did you claim in your grievance?

Same Claims in Complaint

3. What was the result, if any?

denied

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

Grievance process is Completed

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

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2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

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G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

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*(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)*

### VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

☐ Yes

☒ No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

\_\_\_\_\_

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

\_\_\_\_\_

3. Docket or index number

\_\_\_\_\_

4. Name of Judge assigned to your case

\_\_\_\_\_

5. Approximate date of filing lawsuit

\_\_\_\_\_

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. \_\_\_\_\_

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

\_\_\_\_\_  
 \_\_\_\_\_

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

\_\_\_\_\_  
 \_\_\_\_\_

3. Docket or index number

\_\_\_\_\_

4. Name of Judge assigned to your case

\_\_\_\_\_

5. Approximate date of filing lawsuit

\_\_\_\_\_

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)
- \_\_\_\_\_
- \_\_\_\_\_

#### IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

##### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: January 30, 2019

Signature of Plaintiff

Nathaniel Simmons

Printed Name of Plaintiff

Nathaniel Simmons

Prison Identification # 318822

Prison Address

4848 Goldmine Highway

Kershaw, South Carolina 29067

City

State

Zip Code

##### B. For Attorneys

Date of signing: \_\_\_\_\_, 20\_\_.

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm



Address

Telephone Number

E-mail Address

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